

REMARKS

Status of the Claims

The Office Action mailed November 9, 2009 noted that claims 17, 18, 21-28, 30 and 32 were pending, rejected claims 17, 18, 21-25 and 28, objected to claims 26 and 27 and allowed claims 30 and 32. No claims are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

A verified English translation of the priority document is submitted herewith.

It is respectfully submitted that claims 17, 18, 21-28, 30 and 32 are pending and under consideration.

Double Patenting

The Office Action, on page 2, rejected claims 17, 18, 21-25 and 28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent 7,328,034 and Yamada.

It is respectfully submitted that claim 17 patentably distinguishes over 7,328,034 and Yamada because nothing cited or found discusses "employing timeslots of commonly assigned carrier frequencies as radio transmission resources, wherein at least two adjacent base stations simultaneously and jointly employ a timeslot of a carrier frequency for radio provisioning a respectively assigned mobile station."

The Office Action, on page 4, admitted that 7,328,034 does not discuss the above features, but relied upon Yamada. In particular, the Office Action asserted that paragraphs [0044]-[0046] of Yamada cure the deficiencies of 7,328,034.

Yamada discusses that a time slot of an uplink is allocated to mobile station MS1 and allocating a time slot of a downlink to mobile station MS2. The uplink and downlink have a same time slot number and this allocation only occurs when there is no deterioration of communication quality. This allocation is through the use of spreading codes. (See Yamada, Figures 1-3 and paragraphs [0043]-[0046]).

However, claim 17 clearly patentably distinguishes over claim 1 of 7,328,034 and Yamada, taken alone and in combination. Unlike Yamada, claim 17 does not say that a time slot of an uplink is allocated to a first mobile station and a time slot of a downlink is allocated to a second mobile station. Rather, claim 17 recites that two base stations "simultaneously and jointly

employ a time slot of a carrier frequency” and employ “timeslots of **commonly assigned carrier frequencies**.” As discussed in paragraphs [0027] and [0036] of the Specification, the frequencies are shared by the base stations and commonly assigned. In particular, it is possible for two base stations to simultaneously use a same time slot and a same frequency if interference conditions allow it. Yamada does not discuss this feature and only discusses exclusive allocation of spreading codes.

Furthermore, the Office Action, on page 3, refers to the following features recited in claim 1 of 7,328,034: “transmitting the received pilot signal to the base station from the mobile stations assigned to the base stations.” These features are specifically not recited in claim 17 because claim 17 recites features with very distinctive scope than recited in claim 1 of 7,328,034 as noted above.

Claim 28 patentably distinguishes over claim 18 of 7,328,034 and Yamada, because nothing cited or found discusses “the base station and the adjacent base station **simultaneously and jointly employ a time slot of a carrier frequency** for radio provisioning of a mobile station, and selecting the time slot from the commonly assigned radio transmission resources taking account of an interference situation in the time slot.”

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 18 recites “adjacent base stations employ radio transmission resources from a stock commonly assigned to the base stations for data transmission.” In particular, the Office Action cited to paragraph [0043] of Yamada and referred to “assigning same transmission timeslots in the first cell and adjacent second cell.” However, this rejection is traversed. Yamada discusses that mobile station MS1 uses a time slot of an uplink and that mobile station MS2 uses a time slot of a downlink. Claim 18 recites adjacent base stations employ radio transmission resources from a **stock commonly assigned to the base stations** for data transmission. (Emphasis Supplied) In other words, claim 18 is related to sharing carrier frequency stock between base stations. Yamada does not discuss sharing stock commonly assigned to the base stations.

Claim 21 recites “adjusting carrier frequencies and timeslot-transmitting instants.” The Office Action cited to paragraph [0044] of Yamada. However, Yamada does not discuss adjusting carrier frequencies. Yamada, in paragraph [0044], discusses allocating another time slot but says nothing about adjusting carrier frequencies.

It is submitted that the dependent claims are independently patentable over the cited references.

Allowable Subject Matter

The Office Action, on page 7, noted that claims 30 and 32 are allowable. The Office Action, on page 8, noted that claims 26 and 27 are objected to as being dependent upon a rejected base claims, but allowable if rewritten in independent form. In light of the above, it is respectfully submitted that all pending claims are in condition for allowance.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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5-7-10

By: _____



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